



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 3 जून, 1980/13 ज्येष्ठ, 1902

हिमाचल प्रदेश सरकार

परिवहन विभाग

अधिसूचना

शिमला-171002, 12 मई, 1980

संख्या 6-35/78-(परिवहन).—मोटर वाहन अधिनियम, 1939(1939 का 4) की धारा 63 की उप-धारा (3-ख) में प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, राजपत्र हिमाचल प्रदेश में पूर्व प्रकाशनोपरान्त हिमाचल प्रदेश, बिहार, हरियाणा, पंजाब, राजस्थान, उत्तर प्रदेश, पश्चिमी बंगाल, जम्मू तथा काश्मीर तथा केन्द्र शासित प्रदेश दिल्ली तथा चण्डीगढ़ के बीच सार्वजनिक माल वाहनों के परिचालन हेतु संलग्न पारस्परिक परिवहन समझौते का सहर्ष प्रकाशन करते हैं ।

आदेश से,
अमर नाथ विद्यार्थी,
आयुक्त एवं सचिव ।

Reciprocal Agreement for public carriers between the States of Bihar, Haryana, Himachal Pradesh, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Jammu and Kashmir, Chandigarh and Delhi.

This Agreement made this 31 day of March, one thousand nine hundred and eighty between the Governor of Bihar of the one part, the Governor of Haryana of the second part, the Governor of Himachal Pradesh of the third part, the Governor of Punjab of the fourth part, the Governor of Rajasthan of the fifth part, the Governor of Uttar Pradesh of the sixth part, the Governor of West Bengal of the seventh part, the Governor of Jammu and Kashmir of the eighth part, the President of India for and on behalf of the Union territory of Chandigarh of the ninth part, the President of India for and on behalf of the Union territory of Delhi of the tenth part.

Whereas by an Agreement dated the 25th July, 1977 between the parties of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth parts, the said parties entered into a Reciprocal Agreement with a view to encourage long distance inter-State transport of goods by and between the said States on the terms and conditions mentioned in the said Agreement (hereinafter referred to as the 'said Agreement').

And whereas the said Agreement expired on 31st December, 1977.

And whereas the said ten States, being desirous of continuing the said Agreement of the terms and conditions in the said Agreement contained, mutually agreed between themselves to extend the Reciprocal Agreement dated 25th July, 1977 for a further period of three months on the same terms and conditions from 1st January, 1978 till 31st March, 1978 and the parties hereby recording the same, notwithstanding and without prejudice to any other Reciprocal Agreements which might be entered in future by and between any of the signatory States.

Now it is hereby agreed and declared as follows:—

I. That this Reciprocal Agreement shall come into force on 1st January, 1978 and shall remain valid upto 31st March, 1978. It may be renewed for such further period as may be mutually agreed to by all the signatories to this Agreement. For reasons to be given in writing by any of the signatory States, this Reciprocal Agreement may be revoked on three months' notice. Such revocation shall, however, abridge and modify the operation of this Agreement only in so far as it relates to withdrawing State subject to the condition that permits already issued under this Agreement will continue to be valid till the expiry of those permits irrespective of withdrawal by the State or States from this Agreement.

II. The total number of vehicles for which composite permits shall be issued shall not exceed 200 for each of the States of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi. While the States of Jammu and Kashmir and Himachal Pradesh shall issue 200 permits, the number of outside vehicles from each State entering Jammu and Kashmir and Himachal Pradesh shall be limited to 100. The composite permits issued by the competent Transport Authority of each signatory State shall be valid on all National and State Highways chosen for operation. A list of the National and State Highways in each signatory State is appended hereto as Annexure VI. The competent Transport Authority shall also issue to each of such permit holders an authorisation in the form annexed to this Agreement (Annexure I) and such authorisation shall correspond to the period for which the advance payment has been received provided that the authorisation at one time shall not exceed period of one year.

It shall, however, be open to any public carriers plying under such authorisation to deviate from the specified routes to the extent not exceeding 30km on either side of the specified routes.

III. (i) Each applicant for a composite permit shall have to choose a minimum of four States, *i.e.*, the home State and any three other States, out of the remaining nine for operation with effect from the date of this Agreement.

(ii) If a composite permit holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the Scheme, the holder of the permit shall have to pay full taxes to the "transit State".

(iii) A composite permit holder of a State shall be allowed to operate in any other State, separately covered under a bilateral agreement, but the same vehicle will not be allowed to be used both for the composite permit scheme as also the bilateral agreement scheme in the same State.

(iv) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.

IV. A public carrier operating under this Agreement shall be free to operate without restriction of routes in the home State whereas while operating in any area outside the home State such a public carrier shall not pick up or set down goods between any two points lying wholly within the jurisdiction of the reciprocating States, *i.e.*, in such cases vehicles shall be prohibited from carrying any intra-State business.

V. A public carrier operating under this Agreement shall be subject to the following limitations and restrictions:—

(1) No vehicle may be authorised under this Agreement which—

- (a) has an R.L.W. less than 10,000 kg in the case of rigid chassis vehicle or a tractor trailer combination;
- (b) is more than two years old on the date of making application for grant of the authorisation and which is more than seven years old at any point of time;
- (c) does not carry the prescribed markings and distinguishing particulars and is not painted in the prescribed colour scheme as provided in the Schedule annexed hereto (Annexure V);
- (b) is not fitted with a body in conformity with the pattern as specified in the Schedule annexed hereto (Annexure V).

(2) A public carrier plying under this agreement shall at all times carry a Bill of Lading in the form prescribed in the Schedule annexed (Annexure III). Carriage of goods not in conformity with the declaration in the Bill of Lading shall be construed as infringement of the condition of the permit making the permit holder liable under section 60 of the Motor Vehicles Act.

(3) Such vehicles shall conform to and comply with all provisions of the Motor Vehicles Act, as well as the provisions of the Motor Vehicles Rules framed by the home State subject to such restrictions as may be imposed by the State Governments from time to time under the provisions of the Motor Vehicles Act, 1939.

(3-A) A public carrier plying under this Agreement shall be allowed to ply his vehicle on all National and State Highways in the signatory States chosen for operation. In particular, in the case of vehicle in hilly areas of Himachal Pradesh, Jammu and Kashmir, Uttar Pradesh, West Bengal etc., the operation will be subject to the load and other restrictions as may be imposed by the State Government concerned for any particular route/area. The (home) State may make a suitable endorsement on the permit particularly in regard to the hilly State of Himachal Pradesh, Jammu and Kashmir and Uttar Pradesh etc., as necessary, that the heavier vehicles will not be allowed in the hilly region of these States.

(4) The certificate of fitness of such a vehicle shall be liable to be suspended or cancelled by the competent authority of the home State if it is found to be not in conformity with the provisions relating to fittings, colour and body specification as detailed in the Schedule annexed hereto (Annexure V).—

(5) Such a vehicle shall at all times carry a valid authorisation in the form as detailed in the Schedule annexed (Annexure I) hereto granted under this Agreement and issued under the signature and seal of the competent Transport Authority of the home State.

(6) Any authorisation holder plying under this Agreement shall file a quarterly return in regard to such a vehicle in the form prescribed as detailed in the Schedule annexed (Annexure IV) hereto in quintuplicate to the Secretary of the State Transport Authority of the home State who, in turn, shall furnish copies thereof to the Secretaries, State Transport Authorities of the other signatory States.

(7) Such a vehicle shall at all times carry—

- (a) a valid certificate of fitness;
- (b) a certificate of registration; and
- (c) Bill/Bills of Lading covering goods actually carried in the vehicle at the moment.

VI. A vehicle plying under authorisation issued under this special Agreement may be stopped and inspected for the purpose of enforcement of the provisions of this Agreement by an officer of the rank of Assistant Inspector of Motor Vehicles or Sub-Inspector of Police or any other officer whose rank is mutually agreed upon by the signatory States. Such an Inspecting Officer shall issue a check report in triplicate, one copy of which shall be served on the person in charge of the vehicle, the second copy shall be sent to the competent Transport Authority of the home State and the third copy sent to the competent Transport Authority of the State concerned. The competent Transport Authority of the home State, on receipt of the copy of the check report, may take such action as he may deem fit.

VII. (1) A composite permit holder plying under authorisation shall be liable to pay as under:

- (a) Motor Vehicles Tax and the Goods Tax obtaining in the home State;
- (b) A sum of Rs. 200/- per annum in lieu of taxes mentioned in clause (a) above to Chandigarh Administration in case it is opted for operation and a sum of Rs. 700/- per annum in lieu of taxes mentioned in clause (a) above to each of the remaining States of his option other than the home State;

Provided no such sum of Rs. 700/- will be payable by outside vehicles in respect of Delhi so long as Goods Tax is not levied in the Union territory of Delhi. This sum shall be paid in advance by a crossed bank draft before the 15th of March every year (irrespective of the R.L.W. and P.L.W. of the vehicle). For this purpose, all the signatory States shall make suitable provisions in their taxation. Each signatory State shall designate a competent authority for the purpose of receiving the amount mentioned above on behalf of other States, which shall thereafter be transferred to the respective States. Such competent authority shall stamp and endorse the authorisation to that effect. Any vehicle plying under such an authorisation in the absence of such a valid endorsement shall be deemed to be plying in contravention of the condition of the permit and shall be liable to suspension and cancellation of the permit under section 60 of the Motor Vehicles Act.

The sum mentioned above will not be inclusive of Municipal levies such as octroi etc. and composite permit holder will be liable to pay them separately.

(2) Notwithstanding that the amount is required to be paid for the whole year in advance as per sub-clause (1) above, the owner of the vehicle may, at his option, pay it in two equal instalments, the first before the 15th March every year for the period April—September and the second instalment before the 15th September (of the current financial year) for the period October—March and obtain endorsement of having paid this tax from the competent authority of the home State in certificate specified in Annexure II.

(3) If the vehicle covered by the authorisation is kept under non-use for a period/ periods during the validity of the authorisation, no refund of amount paid for that period/periods will be allowed.

(4) If the initial authorisation is granted at any time after the first quarter of the financial year, the tax shall be assessed on *pro-rata* basis for the remaining quarters of the financial year including the quarter in which the authorisation is granted. For the purpose, a quarter shall be taken as a unit and not months and days, provided that this relief shall not be admissible for subsequent authorisation.

(5) If the vehicle covered by the authorisation is sought to be replaced by another suitable vehicle after prior permission of the authority which originally granted the permit, the registration mark of the replaced vehicle may be noted by the home State Transport Authority in the authorisation and the tax already paid shall be deemed to have been paid for the replaced vehicle for the period following the date on which the vehicle is replaced.

VIII. The competent authority of the home State shall receive the amount on behalf of the other State as the case may be, in the form of crossed bank drafts. These drafts shall be made payable in the nature of the designated authority of the State concerned and shall be sent by the home State to the State concerned as and when received along with a statement showing the details of the vehicle number, bank draft number and date and amount, period for which paid, etc.

IX. (A) For the implementation of this Agreement, the State Transport Authority or Regional Transport Authority, as the case may be, of the home State shall—

issue composite permits for the inter-State route or routes or areas, as the case may be, covered by this Reciprocal Agreement for any four or more of the signatory States, such a composite permit holder shall have the

benefit of rule framed under section 68 (2) (hh), read with section 63 (1) of the Motor Vehicles Act, 1939, referred to in para below; and the competent authority shall furnish copies of these composite permits (Part B only) to other signatory States within 30 days of issue.

(B) Further, all the signatory States shall frame a suitable rule under section 68 (2) (hh), read with section 63 (1) to provide that the composite permits so granted by any of the signatory States other than the home State shall be valid without counter-signatures in the areas of the home State and the Secretary of the State Transport Authority or the competent authority, as the case may be, of the home State shall issue an authorisation in the form prescribed in the Schedule (Annexure I).

(C) Such composite permits shall be valid in all the signatory States other than the home State as specified in the permit. A list of these Highways is annexed in the Schedule hereto. The composite permits shall also be valid on such other National Highways and the State Highways as may be notified from time to time by the Union Government or the State Governments concerned and which are endorsed on the permit.

X. In this Agreement, the term "home State" means the State in the territory of which the composite permit under section 56 has been granted and authorisation therefor is issued under this Agreement.

XI. For the purpose of this Agreement, the term "year" shall be deemed to be a financial year.

XII. For the purpose of this Agreement, each of the ten parties hereto shall be deemed to be a "State".

Sd/-

*Additional State Transport
Commissioner, Bihar, Patna.*

Sd/-

*Joint Secretary to Government of Haryana,
Transport Department, Chandigarh.*

Sd/-

*Deputy Secretary to Govt. of H.P.,
Transport Department, Simla.*

Sd/-

*Secretary to Govt. of J & K, Food, Supply
and Transport Department, Srinagar.*

Sd/-

*Secretary to Govt. of Punjab,
Transport Department, Chandigarh.*

Sd/-

*Deputy Secretary to Govt. of Rajasthan,
Home Department, Jaipur.*

Sd/-

*Dy. Secretary to Govt. of W. Bengal,
Home (Transport) Department, Calcutta.*

Sd/-

*Jt. Secretary to Govt. of Uttar Pradesh,
Transport Department, Lucknow.*

Sd/-

*Deputy Secretary, Home (Transport),
Chandigarh Administration, Chandigarh.*

Sd/-

*Special Secretary (Transport), Delhi
Administration, Delhi.*

ANNEXURE I

AUTHORISATION UNDER SPECIAL RECIPROCAL AGREEMENT

(Valid in the States of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi).

1. Name in full.

(Starting with surname and complete address for owner).

No.

2. Registration mark ..
3. Engine No. ..
4. Chassis No. ..
5. Original Permit No. ..
6. Permit Issuing Authority ..
7. Make ..
8. Year of manufacture ..
9. R.L.W. ..
10. U.L.W. ..
11. Payload. ..
12. Period of validity of the authorisation

From

To

13. Valid for the States:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

(Signature of the Competent Authority).

(Seal of the competent authority).

ANNEXURE II

CERTIFICATE OF PAYMENT OF TAX UNDER SPECIAL RECIPROCAL AGREEMENT

RATE OF ANNUAL TAX

| Name of the State | Amount paid | Particulars of bank draft and date | Date of payment | Period for which paid | Registration No. of vehicle |
|-------------------|-------------|------------------------------------|-----------------|-----------------------|-----------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

(Signature and Seal of the Authority).

Abstract of conditions of composite permit

1. This authorises the operation of the vehicle on all the National and State Highways in the signatory States chosen for operation other than the home State. A list of National and State Highways is annexed hereto. The vehicle shall also be valid on such other National Highways and State Highways as may be notified from time to time by the Union Government or the State Governments concerned and which are endorsed on the permit.

The vehicle shall also be authorised to deviate upto 30 km on either side of the specified routes.

2. While operating in any area outside the home State such as public carrier shall not pick up or set down goods between any two points lying wholly within the jurisdiction of the reciprocating State *i.e.* in such cases vehicles shall be prohibited from carrying any inter-State business.

3. The vehicle shall be painted in chocolate colour with broad white borders and a board showing the following inscription in white letters on black background shall be carried prominently above the "Public Carrier" word:

Inscription

Permit under Special Reciprocal Agreement valid in Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi.

(States not applicable to be cut out).

The vehicle shall be provided wherever feasible with a seat across the full width of the vehicle behind the driver's seat providing for a spare driver to stretch himself and sleep.

4. The vehicle shall at all times carry the Bill/Bills of Lading (in the manner directed by the S.T.A., home State) covering the goods in vehicle.

5. The vehicle shall conform and comply with all the provisions of the Motor Vehicles Act as well the provisions of the Motor Vehicles Rules framed by the home State subject to such restrictions as may be imposed by the State Governments from time to time under the provisions of the M.V. Act, 1939.

6. The vehicle shall at all times carry the original permit documents and the authorisation issued under this Agreement.

7. A composite permit holder plying under such an authorisation shall be liable to pay an annual tax of a sum of Rs. 200 per vehicle to the Chandigarh Administration and Rs. 700/- per vehicle to such of the States of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh and West Bengal for which he has opted in addition to the Motor Vehicles Tax and Goods Tax, if any, of the home State. This will be irrespective of the R.L.W. of the vehicle and shall be paid in advance before the 15th of March every year. No annual tax will be payable by outside vehicles in respect of Delhi.

8. (i) Each applicant for a composite permit shall have to choose a minimum of four States, that is the home State and any three other States out of the remaining nine for operation with effect from the date of this Agreement.

(ii) If a composite permit holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the Scheme, the holder of the permit shall have to pay full taxes to the "transit State" unless otherwise exempted.

(iii) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.

ANNEXURE III

BILL OF LADING

Name and address of the permit holder.

Name of the consignors.

Name of the consignee.

Destination.

Bill No.

Date.

Truck No.

| Description of goods | Freight charge paid | | Freight charge to pay | | Total |
|----------------------|---------------------|----|-----------------------|----|-------|
| | Rs. | P. | Rs. | P. | |

(Signature of the consignor).

(Signature of the carrier).

At owner's risk.

Value of the goods Rs.....

Delivery at.....

Note.—The Bill of Lading will be in the proforma given above and will be in quadruplicate, the original (white) to be carried in the vehicle, the duplicate for the consignor (light green), the triplicate (pink) for the consignee and the fourth copy (cream yellow) for record of the permit holder.

ANNEXURE IV

QUARTERLY REPORT

1. Name of the operator and address.
2. Registration mark of vehicle.
3. Composite permit No.

SUMMARY OF TRIPS MADE DURING THE QUARTER

Total distance covered in the State of

| Month | Bihar | Haryana | Himachal Pradesh | Jammu and Kashmir | Punjab | Rajasthan | Uttar Pradesh | West Bengal | Chandigarh | Delhi | Total distance of operation | Remarks |
|-------|-------|---------|------------------|-------------------|--------|-----------|---------------|-------------|------------|-------|-----------------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |

Date.....

Signature of the permit holder.

Note.—In remarks column, state reasons for low or high running in any particular State or States and any other points which caused low operations.

ANNEXURE V

**SPECIFICATION OF THE COLOUR SCHEME AND SPECIAL MARKING
TO BE CARRIED ON THE VEHICLE AND THE CONSTRUCTION
OF THE VEHICLES**

1. The vehicle shall be painted in chocolate colour with broad white borders. The words "N. Z." in big letters will be inscribed on two sides of the vehicle within a circle.

2. A board with the following inscription with white letters on black background shall also be carried so as to be clearly visible above the "PUBLIC CARRIER" Board.

COMPOSITE PERMIT

Under Special Reciprocal Agreement
valid in

Bihar, Haryana, Himachal Pradesh, Jammu
and Kashmir, Punjab, Rajasthan, Uttar
Pradesh, West Bengal, Chandigarh, Delhi (**)

3. The vehicle shall be provided wherever feasible with a seat across the full width of the vehicle behind the driver's seat providing facility for the spare driver to stretch himself and sleep.

(**) Cut out the names of the States not applicable.

**GENERAL ADMINISTRATION DEPARTMENT
(C BRANCH)
NOTIFICATION**

Simla-171002, the 28th May, 1980

- * (i) Section 6 of H.P. Land Revenue Act, 1953 (Act 6 of 1954).
(ii) Section 5 of the Indian Registration Act, 1908.

No. 3-16/75-GAC.—In exercise of the powers conferred upon him under two Acts noted in the margin*, the Governor of Himachal Pradesh is pleased to create a new Sub-Tehsil Fatehpur in Tehsil Nurpur of Kangra district with its following territorial jurisdiction:—

| Sr. No. | Name of the Tehsil | Name of the newly created Sub-Tehsil | Headquarters | Name of the Patwar Circles |
|---------|--------------------|--------------------------------------|--------------|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Nurpur | Fatehpur | Fatehpur | 1. Chalcwara. 2. Kehrian. 3. Jhumb. 4. Bharmar. 5. Fatehpur. 6. Barot. 7. Hori. 8. Malahanta. 9. Thehar. 10. Dhameta. 11. Barla. 12. Kutrah. 13. Anoh. 14. Rey. 15. Bhadpur. 16. Hatli. |

2. The Governor is further pleased to exclude Patwar Circles Rey, Bhadpur and Hatli from Sub-Tehsil Indora created *vide* this Department notification No. GAD (GI) (6)-F-12/77-GAC-I dated 24th January, 1980.

By order,
O. P. YADAV,
Secretary.

खाद्य एवं आपूर्ति विभाग

अधिसूचना

शिमला-2, 27 मई, 1980

क्रमांक एफ. डी. एस. डी. (6) (6) 1/78-II.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 तथा जी०एस०आर० संख्या 800 दिनांक 9-6-1978 जिसके द्वारा राज्य सरकार को

आदेश बनाने की शक्तियां प्रदान की गई हैं तथा जो कि केन्द्रीय सरकार, कृषि एवं सिंचाई मन्त्रालय (खाद्य विभाग) द्वारा जारी किया गया है के साथ पढ़ते हुए, प्रदत्त शक्तियों को प्रयोग में लाते हुए, हिमाचल प्रदेश शुगर डीलर्स लाइसेंस आदेश, 1967 में समाविष्ट फार्म "बी" की शर्त संख्या 7 में, राज्यपाल, हिमाचल प्रदेश निम्नलिखित संशोधन करने का सहर्ष आदेश देते हैं:—

- (a) the word "and" appearing at the end of clause (ii) shall be omitted;
- (b) for the sign "." appearing at the end of condition clause (iii) the sign ";" shall be substituted; and
- (c) after clause (iii) so amended, the following clauses (iv) and (v) shall be added, namely :—

- “(iv) sell sugar to another dealer where the transaction does not lead to physical delivery of sugar from one dealer to another; and
- (v) store sugar more than 100 quintals at a time for the time being or the quantity as may be fixed by the Central Government under the Sugar (Control) Order, 1966, from time to time.”

आदेशानुसार,
हस्ताक्षरित/-
आयुक्त एवं सचिव ।